IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 340 of 1987

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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DEVRAM UTTAM DEVARE(MARATHA) & 2 - Appellant(s)
Versus
LALITABEN AMBALAL PATEL - Defendant(s)

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Appearance :
MR RAJNI H MEHTA for Appellant(s) : 1 - 3.
(MR PB MAJMUDAR) for Defendant(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 02/08/2007

ORAL JUDGMENT

1. Heard Mr.Rajni H. Mehta, learned counsel for the appellants.
2. Present First Appeal has been filed jointly by driver, owner and insurer of Tanker No.GTB-5796, being

aggrieved by the award dtd.17/9/986 passed by the Motor Accident Claim Tribunal (Main), Vadodara in Motor Accident Claim Petition No.395 of 1984.

3. In view of the judgement of the Supreme Court, Mr.Mehta, learned counsel for the appellants submits that the Insurance Company be deleted from the array of the appellants.

4. Learned tribunal made an award in sum of Rs.83,000=00 in favour of the claimant, mother of the deceased of 19 years young boy. The appellants have confined their claim to the extent of Rs.50,000=00 only.

5. Undisputedly, the deceased was around 19 years of age, and he was conducting his studies. Even without taking into consideration the future prospects and studies, which could be persuaded by the deceased, the tribunal held that the deceased could have earned at the rate of Rs.450=00 per month and was also looking after the agricultural land, the tribunal held that under the head of supervision of agricultural land, the loss would come to Rs.100=00, total loss would come to Rs.550=00, the tribunal held that the deceased would have and could have helped the family to the tune of Rs.400=00 per month, the tribunal accordingly allowed a sum of

Rs.72,000=00 applying multiplier of 15.

6. In the opinion of this Court, the assessment of loss of future income and application of multiplier cannot be held to be perverse or contrary to law. So far as the claim of Rs.10,000=00 towards conventional compensation for loss of expectation of life and loss of company and Rs.1000=00 towards other expenses, cannot be held to be contrary to law.

7. I find no reason to interfere. The appeal deserves to and is accordingly dismissed. Interim relief, if any, is vacated. No costs.

(R.S. GARG, J.)

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